

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

FILED  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT  
★ MAY 25 2006  
P.M. (9)  
TIME A.M.

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ELIOT S. SASH, ROSLYNNE L. SASHE,  
JAMES L. SASHE,

Plaintiffs,

-against-

**MEMORANDUM  
AND ORDER  
04-CV-976 (ENV)**

THE CITY OF NEW YORK, et al.,

Defendants.  
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VITALIANO, United States District Judge:

Plaintiff Eliot S. Sash, incarcerated at the Metropolitan Detention Center in Brooklyn ("MDC"), appearing *pro se*, filed this action on March 18, 2004,<sup>1</sup> pursuant to New York State laws and 42 U.S.C. §§ 1983, 1985 and 1986, on behalf of himself, his granddaughter Annmarie Rose Sashe, his daughter Roslynne L. Sashe and his son James L. Sashe. The action was brought against approximately 40 defendants involved in a New York State Family Court action in which plaintiff and his wife were falsely accused of neglecting their infant daughter.

Procedural History

By order dated June 25, 2004, the Honorable Nicholas G. Garaufis<sup>2</sup> granted plaintiff's request to proceed *in forma pauperis* but dismissed all the claims against 24 of the defendants and directed plaintiff to submit an affidavit, within 60 days, stating the age and date of birth of Roslynne L. and James L. Sashe and to obtain counsel to represent his minor granddaughter Annmarie.

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<sup>1</sup> The Court notes that earlier, on January 23, 2004, a similar case was brought by plaintiff's spouse, Joyce R. Garland-Sash. See Garland-Sash v. City of New York, et al., No. 04 CV 301 (NGG). In that case, Ms. Garland-Sash argued that the same defendants violated her federal and state rights during the same child neglect and family court proceedings at issue here. On September 1, 2005, the Court granted defendants' motion to dismiss the federal and state claims against the City and County defendants as time-barred and for failure to state a claim. The Court also dismissed, without prejudice, the claims brought on behalf of Sabrina Garland-Sash, a minor, because she was not represented by counsel.

<sup>2</sup> On March 23, 2006, the case was assigned to the undersigned.

By order dated November 16, 2004, the Court denied plaintiff's request for reconsideration of the June Order, but extended the deadline for 90 days in order to obtain counsel for Annmarie. On November 21, 2004, plaintiff, now released from the MDC, provided the dates of birth for Roslynne and James, who are not minors, but admitted that he was having difficulty obtaining counsel for his minor granddaughter. To date, plaintiff has not obtained counsel for his minor granddaughter.

By order dated April 4, 2006, the Court dismissed, without prejudice, the claims brought on behalf of Annmarie Rose Sashe. See Machadio v. Apfel, 276 F.3d 103, 106 (2d Cir. 2002) ("We have specifically held that a 'non-attorney parent must be represented by counsel in bringing an action on behalf of his or her child.'" (quoting Cheung v. Youth Orchestra Foundation of Buffalo, Inc., 906 F.2d 59, 61 (2d Cir. 1990))). Furthermore, the Court directed each plaintiff to show cause why the case should not be dismissed for failure to prosecute by submitting a separate affidavit from each plaintiff setting forth that he or she is prepared to proceed with the case along with a current address.

The Court received individual letters from Eliot S. Sash, again incarcerated at the MDC, Roslynne L. Sashe and James L. Sashe, indicating that they are prepared to proceed with the case. While the letters do not comply with the Court's requirement that each plaintiff submit an affidavit, in the interest of judicial efficiency, the case shall proceed against the remaining defendants as set forth in the Court's prior orders.<sup>3</sup>

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<sup>3</sup> The following defendants have been dismissed from the case by the Court's Order dated June 25, 2004: Lisa Eulau, Ms. Beveneer, Anthony Ferrara, The State of New York, NYS Department of Social Services (NYS-DSS), NYS-DSS Child Protective Services (NYS-DSS-CPS), NYS Office of Children and Family Services (OCFS), NYS Child Abuse and Maltreatment Register (SCR), David R. Peters, Charles Little, Jeanne Baker, M. Oneal, Carole V. Amaker, Cara Korn, Linda Slovackprice, Marilyn Meisel, Laurie Smith, Family Court Judge Fran Lebow, NYS Family Court Judge Carol A. Stokinger, NYS Family Court Judge Barbara Salinitro, Toba Stutz, Dudley Gaffin, Margaret Mayo, The Law Firm of Gaffin & Mayo, P.C.

The Clerk of Court shall issue summonses and the United States Marshals Service shall serve a copy of the summons, the complaint and the following Orders dated June 25, 2004, November 16, 2004, and April 4, 2006, and this Order, without prepayment of fees, on the remaining defendants:

THE CITY OF NEW YORK (NYC),  
NYC ADMINISTRATION OF CHILDREN'S SERVICES (ACS),  
FORMER MAYOR RUDOLPH GIULIANI, NYC  
CORPORATION COUNSEL MICHAEL HESS, NYC  
SPECIAL ASST. CORP. COUNSEL GERALD HARRIS,  
FORMER ACS COMMISSIONER NICHOLAS SCOPPETTA,  
ACS DEPUTY COMMISSIONER DEBRA GRAY,  
ACS CASE MANAGER VANESSA THOMPSON,  
ACS TOP LEVEL SUPERVISOR HARRIS,  
ACS FIRST SUPERVISOR DENISE JOHNSON,  
ACS SECOND SUPERVISOR SAMUEL MONAH,  
FORMER ACS CASE WORKER KENDRE MORAN,  
ACS CASE WORKER MS. OCOMPADO,  
WESTCHESTER COUNTY D.A. WORKER MYRA MARQUEZ,  
YONKERS (NY) POLICE DEPT. OFFICER ROZZI, BADGE #121

A courtesy copy of the same documents shall be served on the Corporation Counsel for the City of New York, the Corporation Counsel for the City of Yonkers and the Office of the Westchester County Attorney. This case is referred to the Honorable Lois Bloom, United States Magistrate Judge, for pretrial supervision.

Dated: Brooklyn, New York  
May 23, 2006

~~SO~~ ORDERED.

Eric N. Vitaliano  
United States District Judge